



12238724
UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
MAILED
www.uspto.gov

MAY 12 2010

OFFICE OF PETITIONS

Erik M. Arnhem
P.O. Box 480274
Los Angeles CA 90048

In re Application of
BOEHMKE, STEVEN LEE :
Application No. 10/678,912 :
Filed: October 06, 2003 :
Attorney Docket No. BOE-1 :
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 18, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office Action mailed October 05, 2005, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on January 06, 2006.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee of \$810; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office Action of October 05, 2005 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that the delay in paying the maintenance fee under 37 CFR 1.378(c) was intentional, petitioner must notify the Office.

A Revocation of and Appointment of Power Attorney along with a Request to Change the Correspondence Address of Record was filed on February 18, 2010. However, the power of attorney names more than ten practitioners and therefore, will not be entered. Should petitioner desire to have the power of attorney entered, a copy of the power of attorney should be refilled with a separate paper indicating which ten patent practitioners named in the power of attorney are

Application No. 10/768,912

to be recognized by the Office. See 37 CFR 1.32(c)(3). As the change of correspondence address is in proper form it has been entered.

Telephone inquiries concerning this decision should be directed to Miranda Le at (571) 272-4112 or in her absence, the undersigned at (571) 272-7099.

The application file is being referred to the Office of Patent Application Processing.



David Bucci
Petitions Examiner
Office of Petitions

CC: MICHAEL J. ZINGALE
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CA